

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claim 10 has been amended.

Preliminary Matters

Claim 10 has been amended to correct a typographical error. In particular, line 16 previously recited "locking flange", which refers to the "locking tongue" in line 9. As amended, the phrase "locking tongue" is recited universally. Accordingly, it is believed that the amendment does not alter or limit the scope of claim 10.

Examiner Interview

The Applicant wishes to thank the Examiner for the courtesies extended during the telephone interview of October 29, 2008. Although no agreement was reached, the Examiner stated that the claims needed to clarify the spatial relationship between the locking tongue and the rest of the device. Since it is believed that the current amendment to claim 10 is in accordance with the Examiner's position, it is respectfully submitted that the amendment be entered and/or the application be allowed.

Claim Rejections under 35 U.S.C. §102

Claims 10-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,371,419 to Ohnuki (hereafter "Ohnuki"). It is respectfully submitted that amended claim 10 is patentable over Ohnuki and therefore allowable.

Amended claim 10 recites that spring elements are connected with a receiving part for fixing articles in a receiving space. One of the spring elements comprises a

locking tongue moveable between a rest position and a deflected position. The locking tongue includes a free end having a bent receiving section for receiving the first article. The receiving section is aligned with the abutment section when the locking tongue is in the rest position. The locking tongue further comprises an articulating element that protrudes into the receiving space when the locking tongue is in the rest position. The articulating element is arranged between two areas of the receiving space that each receive one of the articles. Support for this amendment is found on Page 5, lines 8-12 of the specification.

Ohnuki does not teach or suggest that the bent receiving section of the locking tongue is aligned with the abutment section when the locking tongue is in the rest position (emphasis added). Ohnuki teaches a rod holder H1 having retaining portions 10 that include vertical portions 17 and arcuate retaining portions 18 for receiving a rod B1. When the rod B1 is inserted into the insertion inlet 2, the retaining portions 18 are pushed outwards until projections 19 on the retaining portions engage inner walls of the holder (Fig. 6).

Concurrently, tongue pieces 9 are flexibly displaced in the left and right directions, indicated by arrows a in Fig. 2, to secure the rod B1 in the holder. Thus, the retaining portions 18 start in a first position (Fig. 2) and are forced into a second, retaining position (Fig. 6) during insertion of the rod B1. The Examiner asserts that the vertical portions 17 and retaining portions 18 constitute a locking tongue and that element 14 – an arcuate recess 14 – constitutes an abutment section. Neither the vertical portions 17 nor the retaining portions 18, however, are aligned with the arcuate recess 14 at any time. Moreover, the tongue pieces 9 are never aligned with

the arcuate recess 14. In fact, no structure of the rod holder H1 is aligned with the arcuate recess 14 at any time. Accordingly, Ohnuki does not teach or suggest that a bent receiving section of a locking tongue is aligned with an abutment section when the locking tongue is in a rest position.

Furthermore, the Applicant would like to reiterate that Ohnuki also does not teach or suggest that an articulating element of a locking tongue is arranged between two areas of the receiving space that each receive one of the articles. Although Fig. 10 illustrates a rod holder H4 for holding multiple rods, these rods are received in multiple – not a single – interiors of the holding part 4. In particular, each insertion inlet 2 and holding part 4 receives only one rod held in place by separate retaining portions 18 and tongue pieces 9. Regardless, neither insertion inlet 2 is capable of holding multiple rods. Thus, Ohnuki does not teach a single receiving space that is divided into areas by an articulating element, wherein each area receives an article. For these reasons, it is respectfully submitted that since Ohnuki does not teach or suggest the subject matter of amended claim 10, amended claim 10 is patentable over Ohnuki and therefore allowable.

Claims 11-18 depend from claim 10 and are allowable for at least the same reasons as claim 10 and for the specific limitations recited therein.

Claim 19 recites that the articulating element, when locked in the rest position, prevents the second article from contacting the first article. As noted, the Applicant reiterated that Ohnuki does not teach or suggest a single receiving space that receives multiple rods. Regardless, it is clear from Fig. 9 that an intermediate wall portion 8A, and not any portion of the retaining portions 18, prevents one rod B1

from contacting another rod B2 when both rods are secured in the rod holder H4.

Therefore, it is respectfully submitted that claim 19 is patentable over Ohnuki and therefore allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance and allowance is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this
amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

/John R. Hlavka/
John R. Hlavka
Reg. No. 29,076

TAROLLI, SUNDHEIM, COVELL
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294